

The case of Wm. Brown vs. the Koloa Sugar Co., which occupied the Supreme Court the whole of Friday and Saturday, and of which we report the substance of the argument by Counsel, and also the charge of the Chief Justice to the jury, is one that will interest all mill owners who grind cane on shares with planters. The plaintiff is said to be a valuable servant in the employ of the Koloa Sugar Company, in addition to which he planted a few acres of cane on his own account, and for which he claimed to have a contract with Mr. Wright, the former manager of the Koloa Plantation, to be ground at the Koloa mill. The present manager, Mr. Cropp refused to grind his cane because Mr. Brown would not comply with the wishes of the Corporation. The cane, in consequence, went to ruin, and the plaintiff sought redress for his losses through the Court. He was awarded \$1771.56.

The writer of "Prattie" in the *Wasp* has been favored with a copy of a manifesto lately published in this city. He refers to it in the following words:

"A friend in Honolulu sends me a printed address delivered before the Workingmen's Union of that city by a statesman named Z. V. Squires, who appears to be an insular Dennis Kearney. Mr. Squires is of the opinion that the Chinese must go, and to that end endeavors to make life insupportable to them by his poetry. With a truly regal scorn of the trammels of prosody, Mr. Squires has boldly refused to make his poetry conform to the models of conventional rhymesters; it is not iambic; it is not trochaic, anapestic dactylic—it is scurbitic. It is the very scurviest poetry ever printed without the name of a California newspaper man attached. If Mr. Squires do not soon adopt a dietetic policy of lime-juice he will some day throw off the top of his head to sing and surprise himself by pouring out a cascade of mingled poetry and teeth.

Following is a sample of Mr. Squire's criminal familiarity with the Kanaka muse:

The Chinese race is pressing on
In every land and every clime;
In every nation and every place
You can find the Chinese race.
But, alas! mankind could not but weep
To view their offsprings on the street.
Their fathers' wrongs from place to place,
The vilest of a nation's race.

If Mr. Paul Neumann, as head of the Department of Justice in Hawaii, is going to let the kingdom become a hog-wallow for political poets I must remind him that his leaving San Francisco was a needless cruelty to his many friends, for he might just as easily have been superfluous here as there."

Under date of April 4th the San Francisco *Merchant* says: The notable feature of the week has been the reduction of refined sugars of one half a cent all around. This makes cube and crushed 9½ cents each, the lowest price ever known in this market. The demand here is excellent and it may be expected that low prices will induce a larger consumption. The demand for refined in the east is quiet, but steady. The New York prices of dry granulated by telegraph is 7½-16c. The stock of Hawaiian rice is small. There is at present little eastern demand, but some speculation here and quotations for round lots are 5½-6½c.

His Majesty the King entertained at breakfast last Monday, M. Feer, the Commissioner of France, Captain Fournier, of the French man-of-war Kerguelen, Lieutenant de Corvillon, Lieutenant de Lestend, Surgeon-major Paladieu de Champagne, and Paymaster Phierivong, of the same vessel. Governor Dominis, Hon. A. S. Cleghorn, His Ex. Hon. W. M. Gibson, M. Bonliech, Chancellor of the French Legation, and Mr. J. E. Sneyd Kynnersley were also guests of His Majesty on this occasion.

The schooner Lulu, Capt. Kauna, lost an anchor at Honolulu on Wednesday 16th inst. The weather being too rough to remain there she proceeded for Honoipuu, arriving there on Friday; she carried away her foremast head on the same day, and also lost another anchor. The wind was blowing hard from the north. She sailed for Kona in order to have her main-stay repaired. Left Kona on Saturday last, and arrived here on Monday morning. She did not bring any sugar.

The Board of Management of the Royal Hawaiian Agricultural Society met Monday evening. Arrangements were made for the engraving of the medals due to prizetakers at the last show and for their distribution at a public meeting to be called for the purpose. Other detail business was transacted and it was resolved that the next meeting of the Board should be held at Kapiolani Park this afternoon.

The following vessels have arrived at San Francisco: April 24, D. C. Murray, 22 days; April 30, W. H. Diamond, 15½ days; April 17, Ids Schmauer, 21 days from Kahului; April 8th, S. S. Alameda, 6 days 18 hours; April 10th, J. D. Spreckels, 15 days from Kahului; April 12th, Kale, 18 days from Honolulu, and W. G. Lewin 15 days from Honolulu.

Mr. Robert Grieve, holding a return ticket by the Zealandia, was permitted to take passage in that vessel. He will probably be the last passenger to arrive by the old line until the expiry of the existing lock-out.

In a billiard tournament at Birmingham, J. Roberts recently performed a feat which is said to be unique in the records of billiard playing. His opponent, Shorter, started with a miss in baulk, Roberts then giving the usual miss below the middle pocket, under the right-hand cushion. Shorter, saying a hazard from this, failed to score, and never had another opportunity of doing so in the game, as the champion ran right out with the extraordinary break of 602, unfinished, made in exactly 27½ minutes. Starting with a cannon, he made 13 by all-round play, and got into position for the spot stroke, and there he stayed till he had completed this remarkable break, pocketing the red ball no less than 196 times. When he had made 426 his ball ran a little above the spot, then he played all round the table for position, which he obtained with wonderful accuracy.

On Tuesday last a telegram dated April 14, was received by Messrs. Geo. W. Macfarlane & Co., through Messrs. Jno. D. Spreckels Bros., of San Francisco stating that the S.S. City of Paris had sailed from Madeira for Honolulu with a full complement of Portuguese emigrants. There being direct telegraphic communication between Madeira and Lisbon, it is natural to infer that the vessel sailed that day previous to the date of the telegram. It is expected she will make the passage in 45 days, which will make her due in Honolulu about the end of May.

The Hon. E. E. Thorne gave a dinner party at the Riggs house, Washington, on the evening of the 5th instant, in honor of Dr. J. Mott Smith, the Hawaiian Commissioner, who shortly leaves for the Hawaiian Islands. Among those present were Senator Delph, Medical Director J. M. Browne, Capt. C. E. Dutton, Messrs. C. M. Ogden, J. M. Carson, J. C. McBride, J. R. Thompson, Thomas Cavanaugh, T. C. Crawford, G. W. Hooker, M. M. Parker and Duncannell.

Amongst the arrivals per S.S. Alameda on Tuesday, were Mr. and Mrs. John D. Spreckels, Gen. W. H. Diamond, Governor W. Hale, Mr. and Mrs. P. N. Makee, Hon. Robert Stirling, Mr. S. T. Alexander, Daniel Lyons, Capt. J. W. Sass, Messrs. C. E. Williams, F. L. Clarke, Allan Herbert, and H. Schmidt.

Mr. Justice McCully presided in the Supreme Court last Monday and Tuesday. His Honor the Chief Justice being engaged in an Equity Suit, John McKeague vs. H. Neisser et al. Mr. J. M. Davidson appeared for the Plaintiff and Messrs. Paul Neumann and E. Preston for the Defendants.

In the case of the Oriental Bell Telephone Co. vs. E. P. Adams, defendant has paid into Court \$1500, amount of judgment, and \$87 75, costs of court, Mr. Hartwell, counsel for plaintiff voluntarily waiving the fees allowed him by statute, amounting to \$53 50.

The brig J. D. Spreckels arrived in San Francisco on 16th inst. from Kahului, was becalmed about 150 miles off port for three days. It had not been for this the captain stated she would have made the best trip on record.

H. W. Severance, Esq., H. H. M's Consul at San Francisco, acting under instructions from the Minister of Foreign Affairs has published in the *Alta California* the regulations referring to Chinese immigration to this country.

A good mine is worth his weight in gold. The best lot ever imported into this Kingdom arrived recently and can be had in quantities to suit, from one up to thirty, from Mr. J. I. Dowsett or Mr. E. A. Brokaw.

On March 10th the last spike was driven connecting the north and south portions of the Mexican Central Railroad. This road runs from El Paso in Texas to the City of Mexico and is 1,225 miles in length.

Mrs. Stirling died on the 28th of March. Her husband left her much improved in health, but a day before he reached San Francisco, Consul Severance got a telegram announcing her death.

The Treasurer of the British Benevolent Society, Hon. A. S. Cleghorn, will be glad if members of the Society will remember that their dues are not yet paid and that Queen Victoria's birthday is near at hand.

Mr. Lyons arrived on Tuesday by the Alameda and purposes starting a daily newspaper in this city. When the paper appears we shall probably have something more to say on this matter.

Sixteen packages of telephone material arrived yesterday, including the instruments that have been so long wanted.

A full explanation of the bald-headed cartoon in the *Wasp* of the 12th instant is contained in our San Francisco letter.

We beg to acknowledge receipt of special favors from Purser Sutton, and also from Colonel M. Thompson.

The Government received a further supply of \$75,000 on Tuesday in one dollar pieces.

A premium of 5 per cent. was charged last Monday for a draft for £40 on the Colonies, in exchange for American coin.

The bltue W. H. Diamond sailed from San Francisco for this port on the 15th inst.

A native woman was thrown from a runaway horse at the corner of School and Nuuanu streets on Saturday afternoon. The horse was galloping down the Valley at a terrific pace, and on turning suddenly into School street, the accident happened. It is reported that one of her wrists was broken.

This week the steamers Kinan and Iwalani will arrive here early this morning for the convenience of members of the Legislature who wish to be present at the opening.

His Excellency Governor Dominis returned from Maui last Saturday by the S. S. Kinan. The Hon. A. Forrester also arrived in town by the same vessel.

Mr. G. Bowser of Directory notoriety, writes to say that he will leave San Francisco for the Islands by the steamer of the 1st May.

The fine indicted by the Court upon the Norwegian Minister Selwer has been paid by a public subscription among his supporters in Norway.

The Hanscom cab imported last year by Messrs. G. W. Macfarlane & Co. is again about town on hire as a licensed cab.

"Our boys" are anxious to see the "pair of boys" reported by a weekly contemporary to have been sold last week for \$600.

Several horses are in training for the June races; but the cry is daily increasing at the want of a programme of events.

The Likelike brought the largest cargo of sugar on Saturday last ever carried by an inter-island vessel.

A meeting of the Board of Management of the Agricultural Society will be held this evening.

Up to midnight last night there was no sign of the overdue mail steamer.

A meeting of Fire Engine Co., No. 1 will be held this evening.

The French Corvette Kerguelen will sail for Tahiti to-day.

ISLAND NOTES.

KOHALA, April 17, 1884.

We note that the Puchelua store has, or is soon to have in stock, the very superior pot flour of Messrs. Enders & Barnes. It is a splendid article and should be in every house. It will make you fat and happy.

The Halawa Mill met with an accident to its machinery Tuesday, so as to be obliged to stop grinding for a few days.

Another big blow lasting through Friday and Saturday, accompanied by a flood of rain doing considerable damage to Judge Hart's dune and demolishing a trestle belonging to Thompson Brothers.

It is rather strange that so exceedingly a righteous young man as the *Gazette's* correspondent should think a man is fastidious simply because he did not like a prayer meeting with a bar room sequel or did not uphold Sunday dances even though enjoyed in by the good young men. No, the correspondent of the *Advertiser* was not at either place, though I have no doubt the other fellow might have been.

The culvert under the road at Halawa is partly washed away. Why can't these things be done well so that they will be permanent? It costs more to repair poor work than to do it right at first.

Easter Sunday on the 13th, and as usual on all such occasions the English Church was beautifully decorated.

Our judge decides that a man cannot be punished for being drunk and disorderly unless it can be proved that he got drunk on. Was ever such wisdom seen in any other country? He should not be removed while his mind continues to expand.

We are very sorry to learn that Mrs. Ranton still suffers from the accident received some time since, and that she is under care of a Honolulu physician. We hope she will soon be better.

A splendid time at Mr. Brodie's on Tuesday evening last. The beautiful home was decorated in the most charming manner and the good things furnished for refreshment did justice to Brodie's reputation as a prince of good fellows. Have another one Brodie and we will all go.

Some of the Honolulu policemen as well as the new jailor have adopted a new sort of life preserver. They go around the streets in the daytime (they never venture out at night) with a child in their arms; probably they think no person will assault them while they carry a baby in their arms.

For the last eight days it has rained almost without intermission day and night; the Honolulu mill has been idle for a week, not being able to get cane to the mill.

There is a so-called government road leading from the village of Honokaa to the landing, on which there never has been a dollar of public money spent, and it is no impassable for teams. What becomes of the tax money paid in this District?

Mr. Gladstone is suffering not only from bronchial difficulty, but from sciatica. His wife and family strongly urge him to accept the peerage without delay.

SUPREME COURT—APRIL TERM. 1884.

Chief-Justice Judd on the Bench.

REPORT A MIXED JURY.

Saturday, April 19, 1884.

Wm. Brown vs. the Koloa Sugar Co. was continued on Saturday. In the case the plaintiff sought to recover \$4,000 damages from the defendants, for losses sustained by him on account of the defendants refusing to grind his crop of cane.

Mr. S. B. Dole for the plaintiff. His Excellency the Attorney-General, and Messrs. Smith & Thurston for the defendants.

The examination of witnesses closed at 2 p.m.

Mr. Paul Neumann in addressing the jury for the defendants said this is one of those cases that ought to have been settled out of Court. As he took it there appeared to have been a certain thing allowed to go on instead of there being a contract between Mr. J. N. Wright and Mr. Brown, the plaintiff. Wright allowed Brown to go on planting his cane, about three acres, and ground it for him, while the plantation was by no means bound to do so. This property passed into the hands of people who were not bound by any understanding. It was Wright's duty to have informed the Koloa Sugar Company upon what terms Brown was planting his cane. It was before the Court in evidence that at the time Wright resigned, Brown had planted one field. After Wright's leaving, Brown would have to transact his business with the Koloa Sugar Company, or its lawful representatives. From this it follows that there may be a liability on the part of the Koloa Sugar Company to pay to Brown certain damages for cane which he had planted before. He begged the jury in doing their duty as jurors, to divest themselves of all sentiment in this question. There is no sentiment in the whole affair. Brown is a well paid and much valued servant of the Corporation and is highly favored. Mr. Cropp (the manager of the plantation) is also a servant, but he has interests in the Corporation and the other has not. In this case Cropp finds that Brown has a crop of cane and says to him, "You shall get any facilities. Take your cane to the other mill, six miles away to be ground." Cropp did not know that he was under obligations to grind Brown's cane. To satisfy himself on this point Cropp wrote to Captain Wright to know if such a contract existed. Wright answers that there was no agreement nor engagement; he states this in an unqualified manner. In his testimony he states the same thing. Let us see where the obligation arises from, that a part of the damage which has fallen upon Brown should be required by the defendants. When Wright states that he felt "in honor bound" and that "Brown believed he was to have his cane ground in that way," he (Capt. W.) was perfectly correct. Wright was in honor bound to do one of two things—either to tell him (Brown) not to go on planting and cultivating, or to grind his cane. But in this case they must remember that although defendants might be in a measure bound to grind plaintiff's cane, they were not definitely bound by anything that Wright did. By neither law, nor custom, nor common sense can such an agreement be made binding to any one to eternity. There is no sense in it. There must have been a certain time for the contract, if any, between Wright and Brown from the time it took its commencement.

According to our law Wright was bound to grind whatever cane Brown planted within the year 1881. He asked the jury to understand that the plaintiff had gone to extremes against the defendants because in 1881, an agreement was made to grind whatever cane matured after January, 1882. (The learned counsel here referred to the plaintiff of the counsel for the plaintiff with regard to what Wright agreed to grind for Brown in 1880 and 1881.) He, the Attorney-General, maintained that there was no day, nor week, nor month, nor season of those years mentioned when this contract was made. He would give his learned brother the benefit of his ingenuity. He again referred to a part of the complaint which, in his opinion, was put in to influence the feelings of the jury and not their calculations. It had not been proven by Brown that he could not carry his cane elsewhere to be ground, but it had by the defendants, although at more expense. When Brown asked the question, "Will you grind my cane or not?" the answer was "No, unless you do so and so," and when Cropp said "No" was he (Brown) to leave that cane to go to destruction and ruin, and speculate whether he would get several thousand dollars or not from the company, while there was a possibility of that cane being taken elsewhere? The law does not encourage men to speculate in lawsuits. If a lawyer speculates in law suits, he being a dangerous man, is punished. This case is left in the hands of a jury to see that the plaintiff does not get except what are his just merits. It has been a practice with some lawyers to appear before a jury and change their minds from right to wrong. This is the reason that Mr. Smith, one of the counsel for the defendant made an offer to the plaintiff to settle the question at issue, in a manner that he thought right. Brown is entitled to his own opinion and does not agree with Mr. Smith as to dam-

ages. But while the corporation consider themselves liable for what cane had matured, they did not consider that they were liable for the unlawful acts of Brown by his allowing the cane to go to ruin and taking his chances at law, and the advice of an able lawyer, by which the jury may be bamboozled into awarding him damages. It was not simply lawyers' talk that the jury were to be guided by. His Honor would instruct them that Brown should not have allowed his cane to be destroyed, but he should have done what he could to save it and sue for damages afterwards. The learned counsel pointed out that it was the duty of a business man who received a consignment to take the same care of the goods consigned as though they were his own though he did not want the consignment. Therefore it was the duty of Brown, when Cropp refused to grind his cane, to see what could be done with it—to go to some other mill, and if the other mill refused, then Cropp would have to pay the losses. Therefore he claimed that if they considered favorably towards Brown, they could only take into consideration the loss that was based upon the refusal of the defendant's, and not upon what followed by Brown's allowing the cane to go to ruin. If such a consideration is taken it can only extend to the first piece planted. There was no evidence to show that Brown was authorized or encouraged to plant cane which he had no right to expect the Koloa Sugar Co. would grind after Wright left the plantation. If he is entitled to damages it is to the field he had planted and taken care of and to which the defendant's succeeded in the interests of Wright, and no more. There is no native who plants cane but what can get his seed cane given to him, but in doing so, it does not bind the donor in doing something that he does not wish to do. It does not speak well for human nature to trick a man in doing something against his will, when such things are customary. A man who knows his duty and rights and who wishes to enforce those rights as against others, would have gone to Wright's successors and come to some agreement. Now Brown did not fail to do that out of stupidity but out of ill-will. Such conduct simply shows a disposition to get even with Cropp. He may have come here on the advice of some lawyer. He (the A.G.) did not believe such advice came from Mr. Dole. Cropp was mad at Brown; Brown was mad at Cropp. This was Brown's last chance to get even with Cropp. He (B) is advised to this effect—"You are all right; let it go and then sue for damages." The lawyer who gave this advice is mistaken and Brown is mistaken. The law is, he should have done his best to lessen the loss. There was a mill six miles off and had he done rightly he would have been entitled to the difference of what it would have cost him to take his cane to that mill instead of to the Koloa mill. That would entitle Brown to \$843 60. The defendants made him that offer. At the rate of Brown's calculations it cost him \$466 per acre to cultivate his cane, which of course is wrong. If sugar planters pay that much for cultivation, they had better give it up and go fishing. A crop of five tons to the acre is extraordinary—four is shown to be the average on that part of Kauai. If Brown had done as he ought to have done, the defendants would have paid him \$1,000 and the Court would not have had to sit two days on this case. He cannot claim costs for his own neglect and misdoings which are the biggest loss of the lot.

In conclusion he warned the jury against the eloquence of his learned friend Mr. Dole who in the interest of his client would make a great many statements which they would need to consider before they believed them. He would tell them that there was a contract and all that was needed was to reduce it to writing and have it acknowledged. He did not ask them to decide this case from policy but simply from the law and the facts. The facts had been clearly shown them, and His Honor would furnish them with the law. Thanking the jury for their attention he left the case in their hands.

Mr. Dole first addressed the jury in the Hawaiian language and afterwards in English. In the last named, he said there had been a great deal of evidence, and a great number of law points had been presented. He considered there were two principal points—1st, the agreement; 2d, the evasion of it. With regard to the 1st point, in 1881, J. N. Wright, then President of the Koloa Sugar Co., agreed that Brown was to plant cane and he (Wright) was to grind it. It had been shown that cane was planted and ground within a year. This agreement included two pieces of land. Wright went to look at the land and said to Brown "Go ahead, plant the whole seven acres." Wright encouraged Brown to go ahead right along. The terms were, half the crop, the planter hauling the cane. Brown accepted these terms. Brown afterwards spoke to Cropp about the second field. Cropp said he would grind it on the same terms, which was a re-affirmation of the old contract. Cropp assisted Brown to go ahead, furnishing him with cane-knives, seed cane, and money. He afterwards talks with Haneberg about it and they look up their obligation. He wrote to Wright. He thought he was not legally bound to grind the cane. Cropp went to work to squeeze this poor man (the plaintiff). This great overgrown corporation tried to freeze him out. If